

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DANIELLE REZENDES,

Plaintiff(s),

v.

MOMOCOLV-MB, LLC,

Defendant(s).

Case No. 2:21-cv-00685-RFB-DJA

Order

The undersigned has been assigned to this case as a settlement judge for purposes of presiding over an early neutral evaluation. Docket No. 2. An early neutral evaluation is generally set upon a defendant's first appearance in a case. *See* Local Rule 16-6(d). Nonetheless, the evaluating magistrate judge also has wide discretion in deciding whether to exempt a case from the early neutral evaluation process. Local Rule 16-6(c).

In this case, default has been entered against Defendant, Docket No. 10, Plaintiff has filed a motion for default judgment, Docket No. 11, and Defendant's appearance comes in the form of a cross-motion to set aside default, Docket No. 12. It is not clear in this procedural posture that holding an early neutral evaluation would be fruitful.¹ Given the circumstances, the Court declines to set an early neutral evaluation at this juncture.

In the event Defendant's cross-motion to set aside default is granted, then the parties must file a stipulation to set the early neutral evaluation that provides five dates on which all required

¹ For example, the early neutral evaluation is generally held after initial disclosures have been exchanged. *See* Local Rule 16-6(f)(1)(H). It is not clear based on the procedural posture that initial disclosures would be exchanged prior to any early neutral evaluation that were scheduled at this juncture.

1 participants are available.² This stipulation must be filed within seven days of the issuance of any
2 such order granting the cross-motion to set aside default.

3 IT IS SO ORDERED.

4 Dated: January 20, 2022

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Nancy J. Koppe
United States Magistrate Judge
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27 ² Alternatively, if the parties both believe an early neutral evaluation may be fruitful while
28 the cross-motion to set aside default remains pending, they may file a stipulation to set the early
neutral evaluation that provides five dates on which all required participants are available.